

CCRB INVESTIGATIVE RECOMMENDATION

| | | | | | |
|---|-------------------------------------|-------------------------------------|--|---|---------------------------------|
| Investigator: Emily Hebert | Team: Squad #13 | CCRB Case #: 201900757 | <input checked="" type="checkbox"/> Force | <input checked="" type="checkbox"/> Discourt. | <input type="checkbox"/> U.S. |
| | | | <input checked="" type="checkbox"/> Abuse | <input type="checkbox"/> O.L. | <input type="checkbox"/> Injury |
| Incident Date(s) Wednesday, 12/19/2018 , Thursday, 12/20/2018 1:45 AM | Location of Incident: [REDACTED] | Precinct: 120 | 18 Mo. SOL 6/20/2020 | EO SOL 2/4/2021 | |
| Date/Time CV Reported Thu, 01/24/2019 11:53 PM | CV Reported At: CCRB | How CV Reported: On-line website | Date/Time Received at CCRB Thu, 01/24/2019 11:53 PM | | |

| Complainant/Victim | Type | Home Address |
|--------------------|------------|--------------|
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |
| [REDACTED] | [REDACTED] | [REDACTED] |

| Subject Officer(s) | Shield | TaxID | Command |
|-------------------------|--------|--------|---------|
| 1. DT3 John Lamatina | 1189 | 938809 | AUTO CR |
| 2. SGT Daniel Gallagher | 03453 | 932678 | AUTO CR |
| 3. DT3 John Zaranis | 2645 | 916952 | AUTO CR |
| 4. An officer | | | |

| Witness Officer(s) | Shield No | Tax No | Cmd Name |
|-------------------------|-----------|--------|----------|
| 1. DT3 Christophe Defeo | 1993 | 936449 | AUTO CR |

| Officer(s) | Allegation | Investigator Recommendation |
|-----------------------|---|-----------------------------|
| A . DT3 John Lamatina | Abuse of Authority: Detective John Lamatina stopped the vehicle in which [REDACTED] were occupants. | A . § 87(2)(g) |
| B . DT3 John Lamatina | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina drew his gun. | B . § 87(2)(g) |
| C . DT3 John Lamatina | Force: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina used physical force against [REDACTED] | C . § 87(2)(g) |
| D . DT3 John Lamatina | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina strip-searched [REDACTED]. | D . § 87(2)(g) |
| E . DT3 John Lamatina | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina attempted to search [REDACTED] recording device. | E . § 87(2)(g) |
| F . DT3 John Lamatina | Discourtesy: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina spoke discourteously to [REDACTED]. | F . § 87(2)(g) |
| G . DT3 John Lamatina | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Detective John Lamatina refused to provide his shield number to [REDACTED]. | G . § 87(2)(g) |

| Officer(s) | Allegation | Investigator Recommendation |
|--------------------------|---|-----------------------------|
| H . DT3 John Zaranis | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Detective John Zaranis refused to provide his shield number to [REDACTED]. | H . § 87(2)(g) |
| I . SGT Daniel Gallagher | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Sergeant Daniel Gallagher refused to provide his shield number to [REDACTED]. | I . § 87(2)(g) |
| J . An officer | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, an officer refused to provide his shield number to [REDACTED]. | J . § 87(2)(g) |
| K . SGT Daniel Gallagher | Discourtesy: At the intersection of [REDACTED] in Staten Island, Detective Daniel Gallagher spoke discourteously to [REDACTED]. | K . § 87(2)(g) |
| L . SGT Daniel Gallagher | Abuse of Authority: At the intersection of [REDACTED] in Staten Island, Sergeant Daniel Gallagher refused to provide his shield number to [REDACTED]. | L . § 87(2)(g) |
| M . DT3 John Zaranis | Abuse of Authority: At the 120th Precinct stationhouse in Staten Island, Detective John Zaranis attempted to search [REDACTED] recording device. | M . § 87(2)(g) |
| N . DT3 John Lamatina | Other: There is evidence suggesting Detective John Lamatina provided a false official statement in violation of PG 203-08. | N . § 87(2)(g) |

Case Summary

On January 24, 2019, § 87(2)(b) who was not present during this incident, filed the following complaint via the CCRB website on behalf of his employee, § 87(2)(b)

On December 20, 2018, at approximately 1:45 a.m., Detective John Lamatina and Detective Christopher Defeo, both of the Staten Island Auto Crime Unit, pulled over § 87(2)(b)'s tow truck at the intersection of § 87(2)(b) in Staten Island.

Det. Lamatina stopped the vehicle in which § 87(2)(b) and § 87(2)(b) were occupants (**Allegation A– Abuse of Authority, § 87(2)(g)**). Det. Lamatina allegedly drew his gun (**Allegation B – Abuse of Authority, § 87(2)(g)**). Det. Lamatina allegedly pulled § 87(2)(b) out of his vehicle (**Allegation C – Force, § 87(2)(g)**). Det. Lamatina placed § 87(2)(b) under arrest for grand larceny auto. After rear handcuffing § 87(2)(b) Det. Lamatina allegedly grabbed the chain connecting the handcuffs and pulled it upwards, lifting § 87(2)(b)'s arms and causing pain to his left collarbone and allegedly applied pressure to § 87(2)(b)'s face (**subsumed into Allegation C**). At the intersection of § 87(2)(b), Det. Lamatina allegedly strip-searched § 87(2)(b) (**Allegation D– Abuse of Authority, § 87(2)(g)**). Sergeant Daniel Gallagher and Detective John Zaranis, also of the Staten Island Auto Crime Unit, arrived in a vehicle.

Det. Lamatina allegedly ordered § 87(2)(b) to unlock his cell phone, which § 87(2)(b) refused to do (**Allegation E – Abuse of Authority, § 87(2)(g)**). Det. Lamatina allegedly said to § 87(2)(b) “Shut the fucking truck off,” “I do whatever the fuck I want,” “Shut the fuck up,” “Don’t fucking worry about it,” and “Get in the fucking car now.” (**Allegation F – Discourtesy, § 87(2)(g)**). § 87(2)(b) requested shield numbers from Det. Lamatina, Det. Zaranis, Sgt. Gallagher, and an unidentified additional officer, and the officers allegedly refused to provide the requested information (**Allegations G, H, and I – Abuse of Authority, § 87(2)(g)**). (**Allegation J – Abuse of Authority, § 87(2)(g)**). Sgt. Gallagher allegedly replied, “We don’t have to fucking give you that” (**Allegation K – Discourtesy, § 87(2)(g)**). § 87(2)(b) requested Sgt. Gallagher’s shield number and he refused to provide the requested information to him, too (**Allegation L – Abuse of Authority, § 87(2)(g)**).

At the 120th Precinct stationhouse, Det. Zaranis repeatedly ordered § 87(2)(b) to activate touch ID to unlock his cell phone, which § 87(2)(b) refused to do (**Allegation M – Abuse of Authority, Unsubstantiated**).

There is evidence suggesting Detective John Lamatina provided a false official statement in violation of PG 203-08 (**Allegation N – False Official Statement -- § 87(2)(g)**).

§ 87(2)(b)

Video footage of this incident, consisting of a cell phone video that § 87(2)(b) recorded during the

incident after § 87(2)(b) was handcuffed, was provided to the CCRB by § 87(2)(b). The video footage is attached to IA # 20 and summarized in IA # 49 (Board Reviews 03 and 04).

On July 8, 2019, IAB log # 2019-25882 was generated via CCRB case # 201905786 to address the CCRB's finding that Det. Lamatina provided a false official statement.

Findings and Recommendations

Allegation (A) –Detective John Lamatina stopped the vehicle in which § 87(2)(b) and Thomas § 87(2)(b) were occupants.

§ 87(2)(b) stated that he had repossessed a vehicle and was driving his tow truck from Brooklyn to Staten Island across the Verrazzano Bridge, aware that a police vehicle was behind him. § 87(2)(b) used proper turn signals and did not commit any other traffic violations as he drove. § 87(2)(b)'s cousin, § 87(2)(b) was in the front passenger's seat of § 87(2)(b)'s tow truck. After he crossed the bridge, § 87(2)(b) pulled over in order to examine and adjust the straps used to secure the repossessed vehicle to the back of his tow truck. Two plainclothed officers pulled over behind his tow truck, exited their vehicle, and approached § 87(2)(b).

Det. Lamatina stated that he and Det. Defeo were conducting surveillance outside of § 87(2)(b)'s house as part of Det. Lamatina's investigation into § 87(2)(b) performing illegal vehicle repossessions. Det. Lamatina and Det. Defeo were checking to see whether § 87(2)(b)'s tow truck was parked outside of his home. At 9:20 p.m. on December 19, 2018, they saw that § 87(2)(b)'s tow truck was no longer parked in the driveway. At approximately 1:30 a.m. on December 20, 2018, Det. Lamatina and Det. Defeo were conducting enforcement near the Verrazzano Bridge when they happened to observe § 87(2)(b)'s tow truck driving onto the bridge. Det. Lamatina denied that he used telecommunications monitoring to obtain § 87(2)(b)'s location and denied that telecommunications monitoring was the reason the officers pulled § 87(2)(b)'s vehicle over.

Det. Lamatina said that on the back of the tow truck was a white Hyundai Sonata that had its hazard lights flashing as if its alarm had been activated. Det. Lamatina and Det. Defeo recognized the tow truck as § 87(2)(b)'s because it had the words "§ 87(2)(b)" written on the side. Det. Lamatina decided to stop § 87(2)(b)'s vehicle because he believed it was more than likely that § 87(2)(b) was not allowed to tow the Hyundai Sonata he was towing. Det. Lamatina also cited multiple violations § 87(2)(b) was committing as he observed him driving on the bridge: his tow lights were not activated, some of his brake lights were not working properly, and the towed vehicle was not strapped to the truck with the mandatory wheel straps, creating a hazard since it could fall off of the tow truck. Also, § 87(2)(b)'s tow truck license plate was folded such that the letters were completely obscured from view, and it was obstructed by a bar on the back of the tow truck, which Det. Lamatina believed was intentional so that the license plate could not be scanned by license plate readers that are used for charging tolls on the Verrazzano Bridge. Det. Lamatina also observed § 87(2)(b) change lanes four or five times without using a turn signal. After Det. Lamatina attempted to pull § 87(2)(b) over with his siren and turret lights, § 87(2)(b) began driving "erratically" by switching in and out of lanes without signaling and then "cutting off" vehicles – at a speed above the highway's speed limit of 50 miles per hour – by driving across three lanes of traffic in order to "veer off" of the highway, seemingly in an attempt to evade police. Among § 87(2)(b)'s arrest charges, Det. Lamatina ultimately charged § 87(2)(b) with

reckless endangerment for not having the repossessed vehicle securely strapped down.

Det. Defeo's statement was generally consistent with Det. Lamatina's regarding his observations prior to successfully stopping § 87(2)(b)'s vehicle. However, Det. Defeo stated that he believed that Det. Lamatina was receiving communication from another unit about § 87(2)(b)'s location. When asked whether Det. Lamatina was using the information he was receiving to find § 87(2)(b), Detective Defeo responded that it was possible. When asked whether, prior to finding § 87(2)(b), Det. Lamatina was informed of § 87(2)(b)'s exact location or of him being near the Verrazano Bridge, Det. Defeo stated that Det. Lamatina would know the answer to this since he was the one receiving the information. Det. Defeo was driving the police vehicle and he activated the lights and sirens in an attempt to pull § 87(2)(b) over, but § 87(2)(b) failed to stop his vehicle "numerous" times. Det. Defeo used the loudspeaker and told § 87(2)(b) to pull his vehicle over to the right, which § 87(2)(b) failed to do. § 87(2)(b) attempted to evade officers by switching from the middle lane into the right lane as if he was going straight, and then exiting the highway at the "last second." Det. Defeo did not recall what speed § 87(2)(b) was driving but said he was "definitely" exceeding the speed limit, although Det. Defeo was not trained in determining whether someone was exceeding the speed limit.

Sgt. Gallagher stated that at approximately 11:00 p.m., he was with Det. Zaranis in the confines of the 68th Precinct awaiting cellular phone pings (digital notification of the location of a cell phone) for § 87(2)(b). Sgt. Gallagher was expecting to receive these pings from another unit that was also investigating § 87(2)(b). A court order had been issued in order for these pings to be received by NYPD officers. Sgt. Gallagher told the CCRB that Det. Lamatina knew where § 87(2)(b) was before he stopped his vehicle because Det. Lamatina and Sgt. Gallagher were both personally receiving cellular phone pings notifying them of § 87(2)(b)'s location. At approximately 1:30 a.m. on December 20, 2018, Sgt. Gallagher received a call from Det. Lamatina informing him that he had pulled § 87(2)(b) over. This was the first time Sgt. Gallagher learned of the vehicle stop.

Sgt. Gallagher has a memo book entry for December 19, 2018 that states "11:00 p.m. 98 w/ Det. Zaranis [rental vehicle] # 50242 [confines of] 68 Precinct awaiting 18-40, 18-01 subject's pings to get near Verrazano Bridge."

Det. Zaranis stated that he knew that at the time of this incident, Det. Lamatina was working on a long-term case related to § 87(2)(b) although he did not know what Det. Lamatina was working on or whether it involved tracking § 87(2)(b) in any way.

Section 4-14(d) of the New York City Department of Transportation Traffic Rules (Board Review 09) states that, in the case where a person is driving a vehicle containing any object projecting or hanging outside or on the top thereof, in all cases fastening shall be secure and substantial.

§ 87(2)(g)
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Allegation (B) Abuse of Authority: Detective John Lamatina drew his gun.

When Det. Lamatina exited his vehicle and approached § 87(2)(b) he allegedly had his gun out, pointed downward, and told § 87(2)(b) to “freeze.”

Det. Defeo stated that Det. Lamatina approached the driver’s side of § 87(2)(b)’s tow truck while he approached the front passenger’s side. Det. Lamatina and Det. Defeo both stated that when they approached, § 87(2)(b) was inside his tow truck. Neither Det. Lamatina nor Det. Defeo described making any observations of potential safety concerns as they approached the tow truck. Det. Lamatina denied drawing his gun. Det. Defeo denied seeing Det. Lamatina do so and no other officers were present during this point of the incident.

The video provided by § 87(2)(b) (Board Review 03) begins at a later point during the incident.

§ 87(2)(g)

Allegation (C) Abuse of Authority: Force – Physical Force: At the intersection of § 87(2)(b) in Staten Island, Detective John Lamatina used physical force against § 87(2)(b)

§ 87(2)(b) stated that Det. Lamatina approached him as he was getting back into his tow truck. Det. Lamatina ordered § 87(2)(b) to turn off his truck and not to move. § 87(2)(b) got into his truck and turned it off. Without issuing any additional instructions, Det. Lamatina put his gun away, approached the driver’s side of § 87(2)(b)’s tow truck, grabbed § 87(2)(b) by his sweater, and attempted to pull him out of the tow truck. Det. Lamatina tried to lift all of § 87(2)(b)’s weight, but was unable to do so. § 87(2)(b) asked Det. Lamatina why he was pulling him by his sweater and § 87(2)(b) stood up voluntarily and exited the vehicle. After § 87(2)(b) was handcuffed and § 87(2)(b) asked why he was being handcuffed, Det. Lamatina grabbed the chain between the handcuffs and pulled upwards, lifting § 87(2)(b)’s arms and causing pain to his left collarbone that persisted for three weeks afterward. Later during the incident, while telling § 87(2)(b) to get into a police vehicle, Det. Lamatina “mushed” § 87(2)(b)’s head by applying pressure to it with his head.

Det. Lamatina stated that § 87(2)(b) exited his vehicle on his own power after he had ordered him to do so. Det. Lamatina denied taking any action to remove § 87(2)(b) from the vehicle, grabbing the chain of § 87(2)(b)’s handcuffs and pulling upward, and pushing § 87(2)(b)’s head. Neither Det. Defeo, Sgt. Gallagher, nor Det. Zaranis acknowledged witnessing Det. Lamatina take any of the alleged actions.

Det. Defeo was unable to hear the interaction as § 87(2)(b) exited the vehicle because of the noise of the tow truck and the noise of the service road. Det. Defeo did not recall how § 87(2)(b) exited the vehicle, whether he was asked to do so, or whether he stepped out of the vehicle voluntarily.

The video provided by § 87(2)(b) (Board Review 03) does not show Det. Lamatina using any

physical force against § 87(2)(b). The video does not capture the points in the incident at which any of the force is alleged to have happened except for possibly the point at which Det. Lamatina allegedly pushed § 87(2)(b)'s head, since the video shows § 87(2)(b) entering a police vehicle. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation (D) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Detective Lamatina strip-searched § 87(2)(b)

§ 87(2)(b) stated that Det. Lamatina asked § 87(2)(b) how many pairs of pants he had on, and § 87(2)(b) responded that he was wearing two pairs. § 87(2)(b) was wearing two pairs of sweatpants over a pair of basketball shorts and then a pair of underwear underneath. In the street, Det. Lamatina pulled down the outermost pair of § 87(2)(b)'s sweatpants, then pulled down his other pair of sweatpants, then pulled down § 87(2)(b)'s basketball shorts, exposing his underwear. Det. Lamatina patted § 87(2)(b)'s thighs in the front groin area without reaching inside his underwear.

Det. Lamatina, Det. Defeo, Sgt. Gallagher, and Det. Zaranis never acknowledged Det. Lamatina or Det. Zaranis being in possession of § 87(2)(b)'s phone during the incident.

Det. Lamatina stated that, before handcuffing § 87(2)(b) he frisked his waistband, back, and pants pockets. Det. Lamatina handcuffed § 87(2)(b) then made contact over § 87(2)(b)'s clothes with § 87(2)(b)'s back, chest, legs, and arms. As part of a search incident to § 87(2)(b)'s lawful arrest, Det. Lamatina entered all of § 87(2)(b)'s pockets, including the pockets of his sweater and his sweatpants, without removing anything from his pockets. The frisk and search yielded negative results. During his CCRB interview, Det. Lamatina said he believed § 87(2)(b) was only wearing one pair of sweatpants. He stated that he might have asked § 87(2)(b) how many pairs of pants he was wearing because he was trained to check all pockets and if someone were wearing multiple pairs of pants, he would reach inside the exterior pants and feel if there was anything in the pockets of the interior pants. Det. Lamatina would not typically pull down the exterior pants to do this.

Det. Defeo acknowledged that Det. Lamatina frisked and searched § 87(2)(b) incident to § 87(2)(b)'s arrest. However, Det. Defeo said that Det. Lamatina never pulled down § 87(2)(b)'s pants and exposed his underwear, and no officer ever touched § 87(2)(b)'s thighs through his underwear. Det. Defeo did not know whether Det. Lamatina ever asked § 87(2)(b) how many pairs of pants he was wearing.

Sgt. Gallagher acknowledged that § 87(2)(b) was searched incident to his arrest, though Sgt. Gallagher could not recall by whom. No officer ever pulled down § 87(2)(b)'s pants, and Sgt. Gallagher never learned that that had happened before his arrival. No officer did anything else

consistent with a strip search or anything that exposed § 87(2)(b)'s underwear.

Det. Zaranis did not recall this aspect of the incident.

The video provided by § 87(2)(b) (Board Review 03) does not capture this portion of the incident.

§ 87(2)(g)

Allegation (E) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Detective Lamatina attempted to search § 87(2)(b)'s recording device.

Allegation (M) Abuse of Authority: At the 120th Precinct stationhouse, Detective John Zaranis attempted to search § 87(2)(b)'s recording device.

§ 87(2)(b) stated that, at the vehicle stop location, Det. Lamatina approached him and said, "Open your phone," which § 87(2)(b) understood to mean that Det. Lamatina wanted him to unlock his phone. § 87(2)(b) said he would not open his phone if he was being arrested, and if Det. Lamatina wanted to go through his phone, he would have to get a warrant. § 87(2)(b) also stated that, at the 120th Precinct stationhouse, Det. Zaranis repeatedly ordered § 87(2)(b) to use his fingerprint to unlock his cell phone via Touch ID, which § 87(2)(b) refused to do.

Det. Lamatina, Det. Zaranis, Sgt. Gallagher, and Det. Defeo stated that, at the vehicle stop location and at the 120th Precinct stationhouse, no officer ever ordered § 87(2)(b) to unlock or otherwise grant access to his phone.

§ 87(2)(g)

Allegation (F) Discourtesy: At the intersection of § 87(2)(b) in Staten Island, Detective John Lamatina spoke discourteously to § 87(2)(b)

§ 87(2)(b) stated that Det. Lamatina used multiple verbal discourtesies during the incident. Specifically, Det. Lamatina said to § 87(2)(b) "Shut the fucking truck off," "I do whatever the fuck I want," "Shut the fuck up," "Don't fucking worry about it," and "Get in the fucking car now."

Det. Lamatina denied making the alleged discourteous statements and Det. Zaranis, Sgt. Gallagher, and Det. Defeo all denied hearing Det. Lamatina do so.

The video footage does not capture the points in time during which any profane language other than the phrase, "Get in the fucking car now," is alleged to have been used. Specifically, seven

seconds into the video attached to IA # 20, the video captures § 87(2)(b) entering a police vehicle with Det. Lamatina standing next to him and then shutting the vehicle door. However, the camera is recording from a distance, the camera angle frequently changes, and in between the camera and § 87(2)(b) Sgt. Gallagher and § 87(2)(b) engage in a conversation such that it is unclear whether Det. Lamatina is saying anything to § 87(2)(b) as he enters the vehicle.

§ 87(2)(g)

Allegation (G) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Detective John Lamatina refused to provide his shield number to

§ 87(2)(b)

Allegation (H) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Detective John Zaranis refused to provide his shield number to

§ 87(2)(b)

Allegation (I) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Sergeant Daniel Gallagher refused to provide his shield number to

§ 87(2)(b)

Allegation (J) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, an officer refused to provide his shield number to § 87(2)(b)

Allegation (K) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Sergeant Daniel Gallagher spoke discourteously to § 87(2)(b)

Allegation (L) Abuse of Authority: At the intersection of § 87(2)(b) in Staten Island, Sergeant Gallagher refused to provide his shield number to Thomas

§ 87(2)(b)

§ 87(2)(b) stated that, once officers told him he was getting into a police vehicle, § 87(2)(b) told Det. Lamatina, Sgt. Gallagher, Det. Zaranis, an unidentified officer, and no other officers, “I want your badge numbers.” Det. Lamatina, who was standing behind § 87(2)(b) responded, “We’re not going to give you nothing. You’ll find out at the precinct.” The other three officers were standing near § 87(2)(b) but did not respond to § 87(2)(b)’s request. § 87(2)(b) described the fourth, unidentified plainclothed officer as an approximately 5’7” tall Hispanic or possibly Italian male who had a goatee and was bald and “skinny” and looked a couple years older than Det. Lamatina. § 87(2)(b) separately described a different, fifth officer who was on scene and referred to him as “Detective Defeo,” with whom he had interacted prior to this incident.

During his follow-up telephone statement (Board Review 05), § 87(2)(b) stated that after he asked multiple officers for their shield numbers, he then directly asked Sgt. Gallagher for his shield number, and Sgt. Gallagher responded, “We don’t have to fucking give you that.” § 87(2)(b) never obtained any officers’ shield number. § 87(2)(b) stated § 87(2)(b) also requested Sgt. Gallagher’s shield number and Sgt. Gallagher responded, “We ain’t giving you nothing.”

§ 87(2)(b) was unavailable to the investigation (see IAs for contact attempts).

Det. Lamatina, Sgt. Gallagher, Det. Defeo, and Det. Zaranis all consistently stated that there were

only four officers at the scene. They also all stated that no officer ever said, “We don’t have to fucking give you that.” Det. Lamatina, Sgt. Gallagher, and Det. Defeo all stated that neither § 87(2)(b) nor § 87(2)(b) ever asked for their shield numbers, and they never heard § 87(2)(b) or § 87(2)(b) ask for any other officers’ shield number. Det. Zaranis did not recall § 87(2)(b) asking him for his shield number, he did not know if § 87(2)(b) asked any other officer for their shield number, and he never heard or learned of § 87(2)(b) asking any officer, including himself, for their shield number.

The video footage depicts only four officers at the vehicle stop location.

Police documents do not establish the presence of a fifth officer at the scene.

§ 87(2)(g)
§ 87(2)(g)
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§ 87(2)(g)
§ 87(2)(g)

Allegation (M) – There is evidence suggesting Detective John Lamatina provided a false official statement in violation of PG 203-08.

Though Det. Lamatina denied that any telecommunications monitoring of § 87(2)(b) led to the vehicle stop (see Allegation A), this was contradicted by his partner, Det. Defeo, and his supervisor, Sgt. Gallagher. Det. Lamatina’s statement that there was no telecommunications monitoring was made to the CCRB during his interview and it was material to the CCRB investigation because it pertained directly to the vehicle stop allegation that prompted this incident. § 87(2)(g)

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

NYPD Patrol Guide Procedure 203-08 (Board Review 10), states that the intentional making of a false statement is prohibited, absent exceptional circumstances. Prior to the start of every CCRB interview with an officer, investigators ask the officers to acknowledge that they have read and understand Procedure 203-08, and that the penalty for making a false official statement can include termination.

§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b)

| Response | Percentage |
|-------------------------|------------|
| Current administration | 85% |
| Previous administration | 15% |

- [REDACTED]
 [REDACTED]
 ■ [REDACTED]
 [REDACTED]

- § 87(2)(b) declined to mediate this complaint.
- On March 20, 2019, § 87(2)(b) and his company § 87(2)(b) filed a Notice of Claim in regard to this incident claiming that § 87(2)(b) was falsely arrested and that he was unable to perform work as a result of his tow truck being impounded. The estimated damages are said to exceed \$1,000,000 (Board Review 07). According to the Chief Records Access Officer for the New York City Office of Legal Affairs and General Counsel, no 50-h hearing had been held or scheduled as of June 12, 2019.
- § 87(2)(b)

- According to the Office of Court Administration, § 87(2)(b) has no prior criminal convictions (Board Review 08).

Squad No.: 13

Investigator: _____
Signature Print Title & Name Date

Squad Leader: _____
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date